



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD) Nos.14110 and 14111 of 2015  
and M.P.(MD) Nos. 1 and 1 of 2015

In W.P.(MD) No.14110 of 2015:

S.Pushpaveni

... Petitioner

Vs.

The Registrar,  
Manomaniam Sundaranar University,  
Abishekpatti,  
Tirunelveli District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to absorb the petitioner to the post of Junior Assistant from the date of her appointment in the respondent university and consequently direct the respondent to regularize her service and direct to provide all the service benefit to the petitioner as requested in the representation of the petitioner dated 11.11.2014.

In W.P.(MD) No.14111 of 2015:

P.Kasthuri

... Petitioner

Vs.

The Registrar,  
Manomaniam Sundaranar University,  
Abishekpatti,  
Tirunelveli District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to absorb the petitioner to the post of Junior Assistant from the date of her appointment in the respondent university and consequently direct the respondent to regularize her service and direct to provide all the service benefit to the petitioner as requested in the representation of the petitioner dated 16.07.2015.

In both petitions:

For Petitioner ... Mr.S.Lakshmi Kanth

For Respondent ... Mr.Athiff

for M/s Ajmal Associates

C O M M O N      O R D E R

The Writ Petitions have been filed by S.Pushpaveni and P.Kasthuri for issuance of Writ of Mandamus directing the respondent to absorb the petitioners to the post of Junior Assistant from the date of the appointment in the respondent university and consequently direct the respondent to regularize their service and direct to provide all the service benefits to the petitioners as requested in the representation of the petitioners dated 11.11.2014 and 16.07.2015.

2. By consent, the Writ Petitions are taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioners and Mr.Athif, learned counsel, who takes notice for the respondents.

4. The learned counsel for the petitioners would submit that in a similar Writ petition in W.P.No.540 of 2011 (In the case of V.Thendral and 19 others Vs. The Registrar, Manonmaniam Sundaranar University, Abishekapatti), by order dated 23.11.2011, this Court, considering the continuous employment of the petitioners therein, has directed the respondent to absorb the petitioners therein by allowing that Writ Petition. The operative portion of the said Writ Petition is extracted hereunder:

"4.In reply, the learned Counsel appearing for the respondent would submit that the present writ petition itself is not maintainable as the petitioners have not impleaded the other necessary employees who have been already working in various departments of the respondent University. The said contention placed by the learned Counsel for the respondent does not stand to reason, because, all the petitioners have not been appointed by back door entry, on the other hand, they were all sponsored by the Employment Exchange by letter dated 25.11.2005 for appointment to the post of Junior Assistant and after the sponsorship from the Employment Exchange, they were subjected to written test followed by interview held on 17.06.2006 in the University campus and when 500 candidates appeared along with these petitioners for the post of Junior Assistant, the Selection Committee on the basis of the performance made by the candidates in the written test and interview found the petitioners suitable to the post of Junior Assistant and thereafter, they were appointed. More over, the Finance Committee of the respondent University on 29.03.2007 also passed a resolution sanctioning 60 posts of Junior Assistant. These facts would go to show that the appointment of the petitioners through Employment Exchange cannot be found fault with, more than that, the resolution adopted by the Syndicate



WEB COPY

Administrative Sub Committee on 27.02.2008 also made a recommendation which shows that 25 posts of the Junior Assistant be kept vacant for the absorption of the 25 skilled NMRs. Therefore, when there are permanent vacancies available, as recommended by the Syndicate Administrative Sub Committee in its meeting held on 27.02.2008, this Court does not find any reason not to regularise the service of the petitioners when they were appointed in accordance with appropriate procedure.

In that view of the matter, this Court is inclined to allow the writ petition. Accordingly, the writ petition is allowed by directing the respondent to absorb these petitioners for the posts of Junior Assistants from the date of their appointment by providing all the service benefits. The said exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed."

In the present case, the two writ petitioners were working in the same Manonmaniam Sundaranar University for the past 15 years and 8 years respectively.

5. Following the earlier order, this Court hereby directs the respondent- the Registrar, Manonmaniam Sundaranar University, Abishekpatti, Tirunelveli, to absorb the petitioners to the post of Junior Assistant from the date of the appointment in the respondent university and to regularize their service and provide all the service benefits to the petitioners as requested in the representations of the petitioners dated 11.11.2014 and 16.07.2015 respectively. The said exercise shall be done within a period of three months from the date of receipt of copy of this order.

6. In the result, the Writ Petitions are allowed. No costs. Consequently, connected M.P.s are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar

ses

To

The Registrar, Manonmaniam Sundaranar University, Abishekpatti, Tirunelveli,

+2 CC TO M/S.LAKSHMIKANTH, ADVOCATE SR NOS.45550 & 45551

+1CC TO M/S.AJMAL ASSOCIATES ADVOCATE SR NO.45407

W.P.(MD)Nos.14110 and 14111 of 2015  
and M.P.(MD) Nos. 1 and 1 of 2015

10.08.2015